

Remarks/Arguments:

By way of the foregoing, claim 15 has been amended to more clearly recite the invention and claims 16 and 17 have been cancelled. These amendments overcome the objection to claim 15 and the Rejection under 35 U.S.C. 112.

Applicant submits that the final rejection was premature and requests that it be withdrawn. The claim amendments included in the communication filed August 9, 2004 merely incorporated the recitations of the dependent claims into the independent claims. The communication did not introduce any subject matter that required a new search or the reliance on a newly cited reference.

Claims 7-13, 15, 18, and 19 stand rejected under 35 U.S.C. 103 over a combination of four references, namely, Bryant et al., Schweitzer et al., newly cited Izumi and Agata et al.

Applicant does not concede that the four (4) references relied on in the rejection under 35 U.S.C. 103 can be properly combined. Neither Izumi nor Agata et al. relate to night vision devices. In Izumi the lens cap 4 is associated with a camera and in Agata et al. the lens cap 44 is associated with a camera 206 operatively associated with a computer. Neither Izumi nor Agata et al. are concerned with the problems described on page 2 of the specification with respect to night vision devices.

Moreover, when the lens cap 4 of Izumi is removed from the lens assembly 3 it is placed on a housing part 22 of a lens cap housing which housing is then locked onto the main camera body 9. When the camera is in use, the lens cap 4 is not easily accessible. The lens cap housing 2 must be removed from the main camera body in order to access the lens cap 4.

When the lens cap 44 of Agata et al. is removed from the lens barrel 41 it is placed in a recess 28 formed on the bottom of the computer. When the camera is in use, the lens cap 44 is not easily accessible. The computer must be picked up to access the lens cap 44.

The Izumi and Agata et al. references have no teaching or suggestion directed to stowing the lens cap in an easily accessible location and such stowing is of extreme importance for military personal using night vision goggles, in the dark, under adverse and often dangerous conditions.

In addition, all of the claims now recite a fastener as part of the claimed night vision assembly. The claims further recite that the fastener has an enlarged head having a configuration and shape such that the lens cap is stowed on the head with an interference fit when the night vision assembly is in use. None of the four references used to reject the claims

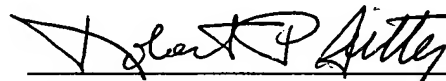
Appln. No.: 10/712,637
Amendment Dated December 9, 2004
Reply to Office Action of October 22, 2004

ITDE-PNV110US

disclose such a fastener. Thus, even assuming the four references can be combined, they still do not result in the claimed invention.

In view of the foregoing, it is submitted that claims 7-13, 15, 18, and 19 are allowable and the allowance of this application is requested. Alternatively, entry of this Amendment is requested since it materially reduces the issues for appeal.

Respectfully submitted,



Robert P. Seitter, Reg. No. 24,856
Attorney for Applicants

RPS/dhm

Dated: December 9, 2004

<input checked="" type="checkbox"/> P.O. Box 980 Valley Forge, PA 19482 (610) 407-0700
<input type="checkbox"/> P.O. Box 1596 Wilmington, DE 19899 (302) 778-2500

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

December 9, 2004

